



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,048	07/13/2001	Jun Watanabe	275767US6	3441
22850	7590	01/11/2006		EXAMINER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/905,048	WATANABE ET AL.	
	Examiner Vincent F. Boccio	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on Election of claims 1, 5, 9.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 2-4,6-8 and 10-12 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,5 and 9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

Art Unit: 2616

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Election/Restrictions**

1. Claims 1, 5, 9 are elected and 2-4, 6-8, 10-12 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 12/23/05.

Applicant elects Figs. 3-4, claims 1, 5, 9 and traverses the restriction and states that there does exist generic claims, but, did not pick the embodiment that would render the generic claim to be generic, therefore, based in the election of claims corresponding to Fig. 3-4, the embodiment of Fig. 5-6 is not deemed generic and also allowable with respect to Figs. 3-4.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

Art Unit: 2616

and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. (US 5,307,173).

Regarding claim 1, Yuen discloses and meets the limitations associated with a device and control methodology comprising:

O storing means for storing an event for unattended recording and providing an overlap judging means for judging an overlap between program entries (col. 25, line 55 to col. 26, line 10, "the instant programmer automatically checks ... no overlap between in time between program entries" or reservation recording events);

O overlap warning means (col. 25, "clash" appears);

O priority presetting means for prioritizing the overlapping (met by the user pressing the Once key, whereby the program that starts first is to be recorded to its end, and then to record remainder of the second program, col. 25, line 55 to col. 26 line 10, the user has the ability to set the first and the second events, thereby prioritizing which program has priority thereby the one with the higher is completely recorded while the other is not or only the remainder is or not the whole program but, only a latter section of it).

It is noted that the claims recite recording start time (met by Yuen) and recording end time of each event, Yuen in various places uses start and duration time parameters and fails to anticipate the end time, by providing a duration factor.

The examiner takes official notice that events can be set by either start and end times or start time and duration factor (Yuen), both are deemed to be obvious variants to set a recording event, both are deemed well known and obvious to those skilled in the art, therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Yuen by substituting the duration time, with an End time to set a recording event, thereby using start and end time parameters to set a recording event, deemed to be an obvious functional equivalent and a design choice to choose between two ways to set

Art Unit: 2616

a recording event or events, as is obvious to those skilled in the art.

Claims 5 and 9 are deemed analyzed and discussed with respect to the claim 1 above,

but, claim 9 further recites a storage medium which stores a program in a manner readable by a computer to facilitate the steps, as recited in claim 1.

Yuen is deemed to meet the additional limitation in view of Fig. 1, elements controller 36 & G-Code Decoder 38 and Time Channel Programming 40 in view of, Fig. 2, element 36 and 38, both having a microprocessor/microcontroller, with RAM and ROM holding programming instruction for programming event, G-Code decoding etc...., col. 7, lines 15- , "memory 52 .. 54 ... used for program storage ... program and table storage", therefore, met by Yuen.

Contact Fax Information

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,  
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
1/9/06

  
VINCENT BOCCIO  
PRIMARY EXAMINER